

Talking Points for EPA Final Action on Oregon 2012 303(d) List

- On November 5, 2014, the Oregon Department of Environmental Quality ("ODEQ") submitted Oregon's 2012 Section 303(d) list of water quality limited segments ("WQLS") still requiring a Total Maximum Daily Load (TMDL) ("Oregon's 303(d) list"), to the EPA, as part of the Integrated Report submitted by ODEQ to meet the requirements of CWA Sections 303(d), 305(b), and 314.
- On December 21, 2016, the EPA partially approved and partially disapproved Oregon's 2012 303(d) list.
- The EPA determined that ODEQ failed to assemble and evaluate all existing and readily available data and information for water bodies of the state when developing Oregon's 2012 Section 303(d) list.
- Specifically, ODEQ did not evaluate readily available data and information for the following pollutants: alkalinity; ammonia; aquatic weeds; bacteria; biocriteria; chloride; chlorine; chlorophyll a; dissolved oxygen outside the Willamette and Umatilla Basins; marine waters; metals; nitrates; pH; phosphorus; temperature; tissue of fish and softshell clams; total dissolved gas; and toxics outside the Willamette and Umatilla Basins.
- ODEQ also did not assemble and evaluate existing and readily available data and information from other federal databases and other known water quality studies. The EPA identified 1054 WQLS for inclusion on Oregon's 2012 303(d) list and issued public notice seeking comment on those listings. At that time, the EPA took no action on Oregon's decision to not list marine waters for aquatic life impairments based on existing data and information, but instead the EPA sought public comment on the existing studies and solicited any additional data and information pertaining to marine aquatic life impairments. The comment period ran from December 21, 2016 until April 3, 2017.
- The EPA received comment letters from fourteen individuals or organizations (one representing multiple trade organizations) on EPA's inclusions on Oregon's 2012 303(d) list. The comments received included comments on the EPA proposed additions, including comments on the EPA's process and listing methodology. Two comment letters specifically focused on ocean acidification impacts, and ODEQ provided ocean acidification comments as part of their comment letter.
- On December 20, 2018 the EPA transmitted the identified WQLS to Oregon for inclusion on its 303(d) list of impaired waters. There are 999 listings being transmitted to Oregon.
- The EPA also approved Oregon's decision not to list marine waters with respect to aquatic life impairments primarily because there are no direct scientific observations of biological impacts within waters in Oregon's territorial limits.
- Documents detailing the EPA's review of Oregon's 2012 303(d) list, a summary of comments received and the response to those comments, a list of the 999 waters identified for inclusion on the list, as well as those the EPA determined as a result of public comment should not be included on the list can be found at:
<https://www.epa.gov/tmdl/partial-approval-and-partial-disapproval-oregon-2012-303d-list>
- EPA contact: Jill Fullagar, EPA Region 10 Assessment Program Coordinator, 206-553-2582, Fullagar.jill@epa.gov ; ODEQ contact: Becky Anthony, ODEQ WQ Assessment Program Lead, 503-378-5319, anthony.becky@deq.state.or.us .